

UNIVERSITY OF TORONTO
FACULTY OF LAW

BORA LASKIN LAW LIBRARY



3 1761 09234996 8

ADVANCED CONSTITUTIONAL LAW

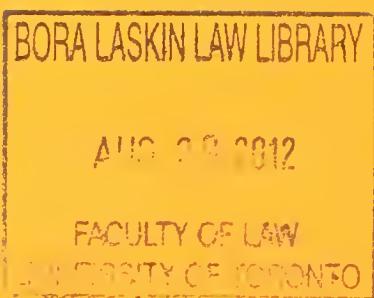
Volume 1

2012-2013

Kent Roach

STORAGE

K
3165
.R63
2012
v.1
c.1



BORA LASKIN LAW LIBRARY

AUG 29 2012

FACULTY OF LAW
UNIVERSITY OF TORONTO



UNIVERSITY OF TORONTO
FACULTY OF LAW

ADVANCED CONSTITUTIONAL LAW

Volume 1

2012-2013

Kent Roach



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

<https://archive.org/details/advancedconstitu01roac>

ADVANCED CONSTITUTIONAL LAW

2012
Kent Roach

VOLUME 1: REMEDIAL ISSUES

Week One: Introduction to the Course

Week Two: History of Remedies and National Security before the Charter

<i>Re Gray</i> (1918) 57 S.C.R. 150 42 DLR 1	1
<i>Co-operative Committee on Japanese Canadians v. AG Canada</i> [1947] AC 87	4
<i>Roncarelli v. Duplessis</i> , [1959] S.C.R. 121	7
Dominique Clement “The October Crisis: Human Rights Abuses under the War Measures Act” (2008) 42 Journal of Canadian Studies 160	10
Noel Lyon “Constitutionality Validity of Sections 3 and 4 of the Public Order Regulations” (1971) 18 McGill Law Journal 136	32
<i>Gagnon v. Vallieres</i> (1971) 14 C.R.N.S. 321	37
<i>Commission des droits v. AG Canada</i> [1982] 1 S.C.R. 215	39
Roach “National Security and the Charter” in Contested Constitutionalism (2009)	50

Week Three: The Charter and Remedies

“An Overview of Charter Remedies” in Sharpe and Roach <i>The Canadian Charter of Rights and Freedoms</i> 4 th ed (2009) ch. 17	63
<i>Operation Dismantle v. The Queen</i> [1985] 1 S.C.R. 150	79
<i>Schachter v. Canada</i> [1992] 2 S.C.R. 679	141
Bruce Ryder “Suspending the Charter” (2003) 21 S.C.L.R. 2d 267	161
<i>Hislop v. Canada</i> [1997] 1 S.C.R. 429	177
<i>Canadian Council of Churches v. Canada</i> [1992]	187
<i>R. v. Edwards</i> [1996] 1 S.C.R. 128	215
Roach “Principled Remedial Decision-Making under the Charter” (2004) 25 SCLR2d 101	219

Week Four: Remedies in the Criminal Process**Exclusion of Evidence**

<i>R. v. Strachan</i> [1988] 2 S.C.R. 980	243
<i>R. v. Grant</i> [2009] 2 S.C.R. 353	253
<i>R. v. Harris</i> [2009] 2 S.C.R. 494	269

Stays of Proceedings

<i>R. v. Rahey</i> [1987] 1 S.C.R. 588	293
<i>R. v. Regan</i> [2002] 1 S.C.R. 297	305
Roach “Entrapment and Terrorism Prosecutions” (2011) Mississippi Law Journal	327

Habeas Corpus

<i>Idziak v. Canada (Minister of Justice)</i> , [1992] 3 S.C.R. 631	363
Ben Berger “Our Evolving Judiciature” (2006) 39 UBC Law Rev 101.	369

Week Five: Damages

<i>Ward v. Vancouver</i> [2010] 2 S.C.R. 28	393
Roach “A Promising Late Spring for Charter Damages?” (2010) 29 N.J. of Constitutional Law 135	431
Stephen Vladeck “The New National Security Canon” (2012) 61 American University Law Review 1295	456

Week Six: Declarations and Injunctions

<i>Little Sisters v. Canada</i> [2000] 2 S.C.R. 1120	492
<i>Doucet- Boudreau v. Nova Scotia</i> [2003] 3 S.C.R. 3	511
<i>Canada v. Khadr</i> [2010] 1 S.C.R. 44	535
<i>Canada (Attorney General) v. PHS Community Services Society</i> , 2011 SCC 44, [2011] 3 S.C.R. 134	565
Roach “The Supreme Court’s Remedial Decision in <i>Insite</i> ” (2012) 6 Journal of Parliamentary and Political Law 238	645